

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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LAWRENCE THOMAS,

Plaintiff,

v.

CUMBERLAND COUNTY CORRECTIONAL  
FACILITY, et al.,

Defendants.

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HON. JEROME B. SIMANDLE

Civil No. 09-1323 (JBS-JS)

**ORDER**

This matter having come before the Court upon the motion for summary judgment and in the alternative to exclude expert testimony, brought by Defendants the County of Cumberland, Warden Glenn Saunders, Captain Michael Palau, Captain Kenneth Lancken, Officer James H. Wilde, and Officer Fernando Martinez [Docket Item 112]; the Court having considered the submissions of the parties in support thereof and opposition thereto; for the reasons stated in the Opinion of today's date; and for good cause shown;

IT IS this 22nd day of **December, 2011** hereby

ORDERED that the motion for summary judgment [Docket Item 112] shall be **GRANTED IN PART AND DENIED IN PART** as follows:

the motion shall be **DENIED** as to Plaintiff's claim under 42 U.S.C. § 1983 against Defendant Fernando Martinez; and

the motion shall be **GRANTED** as to all other Defendants; and  
it is further

ORDERED that Defendants' motion to exclude the expert report of Dr. Kiekbush shall be **DENIED** without prejudice.

**s/ Jerome B. Simandle**  
JEROME B. SIMANDLE  
United States District Judge